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10/775,641	02/11/2004	Les T. Dooley		1312
40851	7590	02/21/2007	EXAMINER	
LES DOOLEY			BUTLER, MICHAEL E	
DO-LES, INC.			ART UNIT	PAPER NUMBER
176 MARIAH DRIVE				
WOODBINE, GA 31569			3653	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		02/21/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

***Notice of Non-Compliant Amendment***

1. The amendment to the claims filed on 11/14/2006 does not comply with the requirements of 37 CFR 1.121(c).

Amendments to the claims filed on or after July 30, 2003 must comply with new 37 CFR 1.121(c) which states:

(c) *Claims.* Amendments to a claim must be made by rewriting the entire claim with all changes (e.g., additions and deletions) as indicated in this subsection, except when the claim is being canceled. Each amendment document that includes a change to an existing claim, cancellation of an existing claim or addition of a new claim, must include a complete listing of all claims ever presented, including the text of all pending and withdrawn claims, in the application. The claim listing, including the text of the claims, in the amendment document will serve to replace all prior versions of the claims, in the application. In the claim listing, the status of every claim must be indicated after its claim number by using one of the following identifiers in a parenthetical expression: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New), and (Not entered).

(1) *Claim listing.* All of the claims presented in a claim listing shall be presented in ascending numerical order. Consecutive claims having the same status of "canceled" or "not entered" may be aggregated into one statement (e.g., Claims 1–5 (canceled)). The claim listing shall commence on a separate sheet of the amendment document and the sheet(s) that contain the text of any part of the claims shall not contain any other part of the amendment.

(2) *When claim text with markings is required.* All claims being currently amended in an amendment paper shall be presented in the claim listing, indicate a status of "currently amended," and be submitted with markings to indicate the changes that have been made relative to the immediate prior version of the claims. The text of any added subject matter must be shown by underlining the added text. The text of any deleted matter must be shown by strike-through except that double brackets placed before and after the deleted characters may be used to show deletion of five or fewer consecutive characters. The text of any deleted subject matter must be shown by being placed within double brackets if strike-through cannot be easily perceived. Only claims having the status of "currently amended," or "withdrawn" if also being amended, shall include markings. If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, i.e., without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, i.e., without any underlining.

Art Unit: 3653

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

2. For each iteration, on each claim:

Additional elements added need have the text underlined.

Elements deleted need have the text struck through.

The claim needs have the status identifier in parenthesis, such as (currently amended), (original), (cancelled).

By way of example, I have shown an amendment made 7/20/2006 that was made in application

10/872005 now patent 7175046 issued 2/13/07.

#### LIST OF CLAIMS:

Claim 1. (Currently Amended) A merchandise output device of a vending machine comprising:

a machine body;

a groove body in the machine body; a bottom of the groove body having an outlet for outputting a merchandise; a lower side of the outlet being connected to a transfer tube to an opening at a bottom of the machine body;

a rotary disk installed in the groove body and having a plurality of receiving holes for receiving the merchandises; the rotary disk being rotatable in the groove body by the driving of a motor;

a guide plate installed above the rotary disk and the guide plate being an integral structure, the guide plate being an approximate right-angled triangular plate ; the guide plate being obliquely installed above the rotary disk corresponding to the upper side of the outlet at the bottom of the groove body; a first right angle side of the guide plate being obliquely installed to a first wall of the groove body, wherein the first side being a side adjacent to a right angle of the right-angled triangular plate; a first apex between the first right angle side and the hypotenuse being placed

near an upper side of the rotary disk; a the second right angle side being horizontally installed to a second wall of the groove body adjacent to the fist wall of the groove body, wherein the second side being another side adjacent to the right angle of the right-angled triangular plate; a second apex between the second right angle-side and the hypotenuse being placed higher than the first apex;

wherein the hypotenuse of the guide plate is formed as a concave cambered edge; and

wherein a plurality of ribs are formed on an upper side of the guide plate.

Claim 2 (Cancelled)

*Specification*

3. The substitute specification filed 11/14/2006 because: The substitute specification must be accompanied by: (1) a statement that the substitute specification contains no new matter; and (2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

***Conclusion***

4. Since the preliminary amendment filed on 3/27/2003 appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to submit an amendment in compliance with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (571) 272-6937.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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2/19/07

  
PATRICK MACKEY  
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